

Discarded

National Health Service Act, 1952

15 & 16 GEO. 6 & 1 ELIZ. 2 CH. 25

ARRANGEMENT OF SECTIONS

Section

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CHAPTER 25

An Act to make further provision with respect to the making and recovery of charges in respect of services provided under the National Health Service Act, 1946 and the National Health Service (Scotland) Act, 1947; and for purposes connected therewith.

[22nd May, 1952.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Subject to the provisions of this section, regulations may provide for the making and recovery, in such manner as may be prescribed, of such charges as may be prescribed in respect of the supply, as part of the hospital and specialist services under Part II of the principal Act, of drugs, medicines or appliances.

(2) No charge shall be made under this section in respect of—

- (a) the supply of any drug, medicine or appliance for a patient who is for the time being resident in a hospital;
- (b) the supply of any drug or medicine for the treatment of venereal disease;
- (c) the supply of any appliance for a person who is under sixteen years of age or is undergoing full time instruction in a school within the meaning of the Education Act, 1944, or the Education (Scotland) Act, 1946; or
- (d) the replacement or repair of any appliance in consequence of a defect in the appliance as supplied;

and regulations may provide for the remission or repayment of any charge payable thereunder in such other cases as may be prescribed.

(3) Any reference in this section to the supply of appliances shall be construed as including a reference to the replacement and repair of appliances.

Charges for
dental
treatment.

2.—(1) Subject to the provisions of this section, a charge of the amount authorised by this section may be made and recovered, in such manner as may be prescribed, in respect of any services provided as part of the general dental services under Part IV of the principal Act, not being—

- (a) the supply or replacement of appliances described in the Schedule to the National Health Service Act, 1951;
- (b) the repair of appliances other than prescribed appliances;
- (c) the arresting of bleeding; or
- (d) the clinical examination of a patient and any report thereon.

(2) The amount of the charge payable under this section in respect of services provided in pursuance of any contract or arrangement shall be the current authorised fee for all services so provided in respect of which a charge is payable under this section, or one pound, whichever is the less; but where any services in respect of which a charge is payable under the National Health Service Act, 1951, are provided in pursuance of the contract or arrangement, the charges payable under this section and under that Act in respect of all services provided in pursuance of the contract or arrangement shall not exceed four pounds five shillings in the aggregate.

(3) No charge shall be made under this section in respect of any services provided in pursuance of a contract or arrangement under which the first examination took place before the commencement of this Act.

(4) No charge shall be made under this section in respect of services (other than the re-lining of dentures or the addition of teeth, bands or wires to dentures) provided for any person who, on the date of the contract or arrangement for the services—

- (a) is under twenty-one years of age; or
- (b) is an expectant mother or has borne a child within the previous twelve months,

if (in any such case) a declaration to that effect is made by or on behalf of that person in such form and manner as may be prescribed.

(5) In this section “current authorised fee”, in relation to any services, means the fee authorised in accordance with regulations for the time being in force under the principal Act

as the fee payable to the practitioner in respect of those services but does not include—

- (a) any fee authorised as aforesaid in respect of a visit to a patient by a practitioner;
- (b) any fee or part of a fee payable by the patient in pursuance of regulations made under section forty-four of the National Health Service Act, 1946, or section forty-five of the National Health Service (Scotland) Act, 1947.

3.—(1) Her Majesty may by Order in Council lessen the amount Power to or maximum amount of any charge authorised by the National vary or Health Service Act, 1951 or section two of this Act, or direct abolish certain that any such charge shall cease to be payable.

(2) Any Order in Council under this section may be revoked or varied by a subsequent Order in Council thereunder.

(3) A statutory instrument containing an Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Section two of the National Health Service Act, 1951 (which enables Her Majesty by Order in Council to amend the Schedule to that Act) and section five of that Act (which provides for the expiration of certain provisions of that Act) shall cease to have effect.

4.—(1) If the Minister of Health or the Secretary of State, as the case may be, is satisfied, after consultation with the university associated with any hospital providing facilities for clinical dental teaching, that it is expedient in the interests of dental training or education that the charges imposed by section one of the National Health Service Act, 1951, should be remitted in the case of dental services provided at that hospital, either generally or subject to limitations or conditions, he may by order make provision for that purpose.

(2) Any order made under this section may be revoked or varied by a subsequent order made by the said Minister or the Secretary of State, as the case may be, after such consultation as is mentioned in subsection (1) of this section.

(3) Any power to make an order under this section shall be exercisable by statutory instrument.

5.—(1) For the purposes of the National Health Service Act, 1951, and this Act, a bridge, whether fixed or removable, which takes the place of any teeth shall be deemed to be a denture having that number of teeth; and the reference in subsection (1) of section two of this Act to appliances described in the Schedule to the said Act of 1951 shall be construed accordingly.

(2) In subsection (2) of section twenty-two of the National Health Service Act, 1946 (which enables local health authorities to charge for residential accommodation, food or articles provided under that section for mothers and young children) after the words "residential accommodation" there shall be inserted the words "day nurseries".

(3) In subsection (2) of section twenty-two of the National Health Service (Scotland) Act, 1947 (which enables local authorities to charge for residential accommodation, food or other prescribed things provided under that section for mothers and young children) for the words "anything that may be prescribed including residential accommodation, food or any other thing" there shall be substituted the words "residential accommodation, day nurseries, food or anything that may be prescribed".

Evasion of charges.

6. If any person for the purpose of evading the payment of any charge under the National Health Service Acts or this Act, or of reducing the amount of any such charge—

- (a) knowingly makes any false statement or false representation; or
- (b) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both; and whether or not he is convicted of an offence under this section the charge, or as the case may be the balance of the charge, may be recovered from him as a simple contract debt by the person by whom the cost of the service in question was defrayed.

Supplementary and consequential provisions.

7.—(1) Stamp duty shall not be chargeable on any receipt given in respect of charges authorised to be made and recovered in pursuance of this Act.

(2) Notwithstanding anything in section sixty-four of the National Assistance Act, 1948, the expression "requirements" in that Act shall include requirements—

- (a) for services in respect of which charges are for the time being authorised by or under this Act;
- (b) for dental services in respect of which charges would be so authorised if the services were provided under the principal Act;

and subsection (1) of section nine of the said Act of 1948 (which precludes the making of assistance grants to meet the requirements of persons engaged in remunerative full-time work) shall not apply in relation to requirements for any such services.

(3) There shall be defrayed out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums payable under the National Assistance Act, 1948, out of moneys so provided; and any sums received by the Minister of Health or the Secretary of State under this Act shall be paid into the Exchequer.

(4) For the purposes of subsection (3) of section forty-eight of the Education Act, 1944 and subsection (3) of section fifty-one of the Education (Scotland) Act, 1946 (which require local education authorities to make arrangements for free medical treatment for certain pupils), any charge made in pursuance of regulations under the principal Act or this Act in respect of the supply of drugs, medicines or appliances shall be disregarded.

(5) The provisions of this Act authorising the making and recovery of charges shall be in addition to and not in substitution for any provision of the National Health Service Acts authorising the making and recovery of charges in respect of any services provided thereunder.

(6) Regulations made under the principal Act or this Act providing for the making and recovery of charges in respect of any services may provide for the reduction of the sums which would otherwise be payable by a Regional Hospital Board, Hospital Management Committee, Board of Management, Board of Governors or Executive Council to persons by whom those services are provided by the amount of the charges authorised by the regulations in respect of those services.

(7) Any power to make regulations conferred by this Act shall be exercisable by statutory instrument; and any statutory instrument containing such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

8.—(1) In this Act the following expressions have the meanings Interpretation. hereby assigned to them—

“the principal Act” and “the National Health Service Acts” mean, in relation to England and Wales, the National Health Service Act, 1946 and the National Health Service Acts, 1946 to 1951 respectively, and in relation to Scotland, the National Health Service (Scotland) Act, 1947 and the National Health Service (Scotland) Acts, 1947 to 1951 respectively;

“prescribed” means prescribed by regulations;

“regulations” means regulations made, in relation to England and Wales by the Minister of Health, and in relation to Scotland by the Secretary of State.

(2) Any reference in this Act to any enactment is a reference to that enactment as amended by any subsequent enactment including this Act, and by any Order in Council for the time being in force under this Act.

Short title,
citation,
commencement and
extent.

9.—(1) This Act may be cited as the National Health Service Act, 1952.

(2) This Act, so far as it applies to England and Wales, and the National Health Service Acts may be cited together as the National Health Service Acts, 1946 to 1952; and this Act, so far as it applies to Scotland, and the National Health Service Acts may be cited together as the National Health Service (Scotland) Acts, 1947 to 1952.

(3) This Act shall come into operation seven days after the passing of this Act.

(4) This Act shall not extend to Northern Ireland.

(5) Subsection (3) of section eighty of the National Health Service Act, 1946 (which provides for the extension of that Act to the Isles of Scilly) shall have effect as if the references to that Act included references to this Act.

Table of Statutes referred to in this Act

| Short Title | Session and Chapter |
|--|------------------------|
| Education Act, 1944 ... | 7 & 8 Geo. 6. c. 31. |
| Education (Scotland) Act, 1946 ... | 9 & 10 Geo. 6. c. 72. |
| National Health Service Act, 1946 ... | 9 & 10 Geo. 6. c. 81. |
| National Health Service (Scotland) Act, 1947 ... | 10 & 11 Geo. 6. c. 27. |
| National Assistance Act, 1948 ... | 11 & 12 Geo. 6. c. 29. |
| National Health Service Act, 1951 ... | 14 & 15 Geo. 6. c. 31. |

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